IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

CRP.No. 359 of 2005()

AGAINST THE ORDER IN EA.1247/97 IN EP NO.239/1994 IN OS.1124/1977 of PRL.MUNSIFF COURT,THRISSUR

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REVN. PETITIONER: PETITIONER/DEFENDANT:

K.V. JOHN, SON OF VARKEY, AGED 62,
PENSIONER, INMATE ROOM NO.19, PRIYA LODGE
(SVENKU MEMORIAL HOUSE), ROUND WEST, THRISSUR-1,
NOW RESIDING AT THOTTAPPILLY HOUSE,
BANK ROAD, KALOOR, KOCHI-17.

BY ADV. SRI.A.BALAGOPALAN
SRI.PRAKASH P.GEORGE

RESPONDENT/RESPONDENT/PLAINTIFF:

PENNAMMA, WIFE OF KURTHUKULANGARA
KOOLA SEBASTIAN, ARANATHUKARA VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.359 OF 2005

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Dated this the 6th day of August 2007

O R D E R

This civil revision petition is filed challenging the order of the Principal Munsiff's Court, Thrissur in E.A.No.1247 of 1997 in E.P.No.239 of 1994 in O.S.No.1124 of 1977. The parties, after litigating for 3 decades, had now reached a state where a room in a newly constructed building is available for the tenant to occupy. The land-lord issued a notice to occupy the building with a direction to pay monthly rent of Rs.1,650/-. The revision petitioner resisted the claim on the ground that though he wanted the premises, the land-lord did not reconstruct the building and therefore he must be put into possession in the original form. The matter has reached upto the Apex Court. In the Apex Court, there is a finding that new construction is already over. It is extracted in page 6 of the order that "RW1 has stated that the landlord had reconstructed the building as per the order of the Hon'ble Supreme Court and intimated the petitioner-tenant to occupy the building at the present rate of rent". So new construction is proved beyond doubt and the land-lord has also offered to give a room to

the tenant. The court below passed an order directing him to occupy the building within one month and to pay a rent at the rate of Rs.1,650/- with liberty to the parties to move petition before the Rent Control Court for fixing the rate of rent. After hearing both sides, I feel that the amount can be slightly reduced and at the rate of Rs.50/- per day, the monthly rent is fixed at Rs.1,500/-.

With the said modification regarding the rate of rent, the order of the court below is confirmed and C.R.P. is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-